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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,671	03/24/2004	Udo Klein	07781.0319-00	6228

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SAP / FINNEGAN, HENDERSON LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER
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PANNALA, SATHYANARAYA R

ART UNIT	PAPER NUMBER
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2164

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12/19/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/808,671	<b>Applicant(s)</b> KLEIN ET AL.	
	<b>Examiner</b> Sathyanarayan Pannala	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,5-8,10-12,16-22,25,29 and 35-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-8,10-12,16-22,25,29 and 35-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/18/2008 has been entered.

### ***Response to Amendment***

2. Applicant's Amendment filed on 8/18/2008 has been entered with amended claims 1, 12, 25, 35-37, 39, 41 and 44-45. In this Office Action, claims 1, 5-8, 10-12, 16-22, 25, 29, and 35-45 are pending.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. § 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 41-43, 44, 45 are rejected under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps of determining employee number, determining the user is authorized and allowing access or denial, which can all be done mentally, and therefore do not qualify as a statutory process.

5. Claims 12, 16-22 are rejected under 35 U.S.C. § 101, because claims are directed to program steps. Independent claims 1 and 4 are claiming a computer program per se and functional descriptive material consisting of data structures and computer programs, which impart functionality when employed as a computer component. Applicant used a computer-readable medium in the preamble as a hardware component and not related to the steps of implementation. As such, the claims are not limited to statutory subject matter and are therefore non-statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 5-8, 10-12, 16-22, 25, 29, and 35-38, 41-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sankaran et al. (US Patent 5,832,484) hereinafter Sankaran, in view of Bangel et al. (US Patent 6,901,401) hereinafter Bangel, and further in view of Ghukasyan et al. (USPA Pub. 2003/0187848 A1) hereinafter Ghukasyan.

8. As per independent claims 1, 12, 25, 35, 41, 44-45, Sankaran teaches a database system and method for improving scalability of multi-user database systems by improving management of locks used in the system (see abstract).

Sankaran teaches the claimed, detecting, by a computer, a new query for a set of database records (col. 9, lines 48-50).

Sankaran does not explicitly teach checking authorization. However, Ghukasyan teaches the claimed, determining by examining an employee number associated with the set of database records submitted in the new query, and whether the user that submitted the new query is authorized to access the set of data records (Fig. 10, paragraph [0046]; examiner interpreted as a USERID as an employee number). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to combine the teachings of the cited references because Ghukasyan's teachings would have allowed Sankaran's system and method for restricting access to a database according to user permissions, that is easy to implement and simple to maintain (par. [0013]).

Sankaran teaches the claimed, determining whether the user is authorized to acquire a new lock on the set of database records, wherein the user is authorized if the employee number associated with the set of database records does not match the employee number of the user (Fig. 3, col. 4, lines 46-49).

Bangel teaches the claimed, denying the new lock if the user is not authorized (Fig 3, col. 4, lines 49-53).

Bangel teaches the claimed, informing the user that the user that the user can access the set of database records when the user is authorized or informing the user that the user cannot access the set of database records when the user is not authorized (Fig. 1, col. 3, lines 45-52). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to combine the teachings of the cited references because Bangel's teachings would have allowed Sankaran's system and method in which unauthorized users are prevented from using a database stored on computer system while still allowing authorized users to make modifications to the database (col. 1, lines 62-67).

Sankaran teaches the claimed, set the new lock attempting to set the new lock if the user is authorized (Fig. 4A-B, col. 15, lines 37-42).

9. As per dependent claims 5-6, 16-17, 29, Sankaran teaches the claimed, permitting access to the set of database records if user is authorized (col. 23, lines 28-31).

10. As per dependent claims 7-9, 18-20, 37-38, Bangel teaches the claimed, determining whether the user is authorized further includes determining whether user has write authorization for the set of database records (Fig 3, col. 4, lines 49-53). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to combine the teachings of the cited references because Bangel's

teachings would have allowed Sankaran's system and method database systems provide indexes to increase the speed of the data retrieval process (col. 3, lines 29-31).

11. As per dependent claims 10-11, 21-22, Sankaran teaches the claimed, determining whether the user is authorized includes whether the user is currently authorized (col. 2, lines 3-8).

12. As per dependent claim 36, Sankaran teaches the claimed, set the new lock attempting to set the new lock if the user is authorized (Fig. 4A-B, col. 15, lines 37-42).

13. Claims 39-40 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sankaran et al. (US Patent 5,832,484) hereinafter Sankaran, in view of Bangel et al. (US Patent 6,901,401) hereinafter Bangel, in view of Gupta et al. (US Patent 6,438,562) hereinafter Gupta, and further in view of Ghukasyan et al. (USPA Pub. 2003/0187848 A1) hereinafter Ghukasyan.

14. As per dependent claim 39-40 and 42-43, Sankaran, Ghukasyan and Bangel do not explicitly teach using employee table. However, Gupta teaches the claimed, determining, when the employee number associated with the set of database records matches the employee number of the user, whether the set of database records comprise critical or non-critical information, wherein the user is not authorized when the set of database records comprise critical information, and wherein the critical



information comprises pay records of the user (Fig. 2, col. 2, lines 21-49). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to combine the teachings of the cited references because Gupta's teachings would have allowed Sankaran's system and method in which unauthorized users are prevented from using a database stored on computer system while still allowing authorized users to make modifications to the database (col. 1, lines 62-67).

### ***Response to Arguments***

15. Applicant's arguments filed 8/18/2008 have been fully considered but they are not persuasive and details as follows:

- a) Applicant's amendment did not overcome 35 U.S.C. 101 rejection of all claims. Because, Applicant did not properly amended claims.
- b) Applicant's argument stated as "A prima facie case of obviousness has not been established."

In response to applicant's argument on pages 15, *a prima facie case of obviousness* is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. Once such a case is established, it is incumbent upon appellant to go forward with objective evidence of unobviousness. In re Fielder, 471 F.2d 640, 176 USPQ 300 (CCPA 1973).

Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification.

Interpretation of Claims-Broadest Reasonable Interpretation:

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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/Sathyanarayan Pannala/  
Primary Examiner, Art Unit 2164

srp  
December 19, 2008